



GOVERNMENT OF ANDHRA PRADESH ABSTRACT

Public Services – Strike by the employees of Seemaandhra Region – Regularization of Period of Strike as E.L. / E.L. to be earned / Eligible Leave – Orders – Issued.

FINANCE (FR-I) DEPARTMENT

G.O.Ms.No. 33

Dated: 04-02-2014

Read the following:

1. G.O.Ms.No.177, G.A. (SW.I) Department, dt: 13-4-2011.
2. G.O.Rt.No.1617, G.A.(SW.I) Department, dt: 18-4-2011.
3. Orders from the Hon'ble High Court in WPMP No.25443/11 in W.P.No.20913/11, dated: 16-8-2011.
4. G.O.Ms.No. 82, Finance (FR-I) Department, dt: 29-3-2012.
5. Agreement between the Government of Andhra Pradesh and the A.P. Secretariat Seemaandhra Employees Forum on 11-10-2013.
6. Orders of the Hon'ble High Court in W.P.MP.No.42488 of 2013 in W.P.No.20913/11 dt: 23-12-2013.
7. U.O.No: 1236/Poll.A (3)/2013, dt: G.A. (Poll.A) Department, dt: 5-11-2013.

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O R D E R:

1. In the reference 1st read above the Government have adopted the “No work No Pay” policy strictly and ordered that the period of absence from duty in respect of the employees, who participated in the agitations shall be treated as “Not Duty” and no pay and allowances shall be admissible for the period.
2. In the reference 2nd read above the Government kept in abeyance the orders issued in the reference 1st read above.

3. In the reference 3rd read above the Hon'ble High Court stayed the operation of G.O.Rt.No.1617, G.A (SW-I) Department, dt: 18-4-2011 and ordered that no modification of G.O.Ms.No.177, G.A. (SW-I) Department, dt: 13-4-2011 shall be made, by the Government pending disposal of the case, without the prior leave of the Court.

4. In the reference 4th read above the Government have issued orders to treat the strike period of Telangana Employees in Sakala Janula Samme as Earned Leave / Earned Leave to be earned / Eligible Leave vide G.O.Ms.No. 82, Finance (FR-I) Department, dt:29.3.2012.

5. Employees belonging to Gazetted and Non-Gazetted Officers of different Associations in the Seemaandhra Region went on strike from August, 2013 onwards. In the reference 5th read above an Agreement has been reached between the Government of Andhra Pradesh and the A.P. Secretariat Seemaandhra Employees Forum, to call off the strike.

6. In the reference 6th read above the Hon'ble High Court in WPMP. NO. 42488 of 2013 in W.P.No. 20913 of 2011 passed orders "to treat the agitating employees of Seemandhra region on par with the agitating employees of Telangana region as was done earlier".

7. The Government after careful examination of the orders of the Hon'ble High Court in WPMP. NO. 42488 of 2013 in W.P.No. 20913 of 2011 has decided to treat the period of absence from August 2013 onwards or such later date as the case may be, till they resumed duties after ending the strike, be sanctioned as Earned Leave on application by the employee. Where employees do not have adequate Earned Leave in their account, the earned leave available will first be exhausted and the shortfall will be considered for sanction as Earned Leave to be earned. This period shall be adjusted from the future credit of Earned Leave for that employee. Only in case of employees retiring within the next one year w.e.f 13-8-2013, if such employees do not have adequate Earned Leave in their account, any eligible leave be considered for sanction after exhausting the available Earned Leave as was done earlier in the case of Telangana Employees in Sakala Janula Samme vide G.O.Ms.No. 82, Finance (FR-I) Department, dt: 29-3-2012.

8. The above order is subject to the condition that the State Government shall be free to take all positive steps to ensure discipline amongst the employees and ensure that no act or action of in-subordination or in-discipline in violation of settled norms, takes place. In case of any such act of in-subordination and in-discipline, in violation to settled norms, State Government, shall take strict measures as per the provisions A.P.C.S. (Conduct) Rules, 1964 and A.P C.C.S (CCA) Rules, 1991 and other related Government Orders dealing with such acts of in-subordination or in-discipline, in order to maintain proper discipline and decorum amongst employees in public interest.

9. In the reference 7th read above it was agreed by the Finance Department to adjust the leave / working day in respect of the employees of Hyderabad City as they have attended the office on 9-11-2013 in lieu of the working on 18-9-2013 i.e., the day of Ganesh Idols immersion which fell during the strike period. The leave to be deducted in respect of the employees of Hyderabad City, as per orders at para 7 above shall be one day less than the period they went on strike.

10. The concerned employees shall apply for leave as per paras 7&8 above to their respective leave sanctioning authority, giving details of the period of absence and amount of advance drawn in the format in Annexure-III. The leave sanctioning authority while sanctioning the leave for the number of days the employee was on strike, shall debit the leave account of the employee to the extent of Earned Leave available at the credit of the employee as on the date of sanction of leave. The balance shall be sanctioned as E.L. to be earned and adjusted against the Earned Leave to be earned in future. Suitable entry regarding the Earned Leave to be sanctioned shall also be made in the leave account of the employee in the Service Register by prefixing the minus sign to the number of days for which Earned Leave to be earned has been sanctioned.

11. The entire advance sanctioned in G.O.Ms.No.292, Finance (A&L) Dept, dated: 22-10-2013 / G.O.Ms.No.298, Finance (A&L) Dept, dated: 29-10-2013 shall be adjusted against the leave salary drawn. The proforma for regularizing the Strike period of employees who went on strike to be issued by the Leave Sanctioning Authority is appended to this order as Annexure-I. While preferring the bill in Audit (PAO/DTA) the statement appended as Annexure-II, shall invariably be enclosed to the bill.

12. The Government hereby issue the following further instructions for the purpose of clarity and for the purpose of ensuring that the above orders are given effect to promptly and properly.

- (a) These orders are applicable to all those employees who went on strike and who fulfill the following conditions:
 - i) must be drawing pay in a time scale of pay and must be eligible to earn leave under the relevant rules.
 - ii) must have gone on strike during August to October 2013.
 - iii) must give an option for availing the benefit extended under this G.O., appended to this order as Annexure-III.

- (b) The authority competent to sanction leave shall sanction Earned leave / E.L. to be earned / eligible leave on receipt of the necessary option from an employee within the prescribed date for availment of benefit of these orders. The said authority shall, before sanction of leave, satisfy himself

about the participation of employee concerned in the Strike and also about the number of the days the employee was on strike during that period. The Leave Sanctioning Authority should also ensure that the employee concerned has not drawn any emoluments for the strike period and also that the service register of the employee contains the necessary entry regarding the participation of the employee in the Strike during August to October, 2013 and the number of days of participation in the Strike. In those cases where no such entry has already been made in the Service Register, the Leave Sanctioning Authority shall ensure that such an entry is made before taking action to sanction Earned Leave / Earned Leave to be earned / Eligible leave for the strike period. On the basis of option received, the Leave Sanctioning Authority shall sanction Earned Leave / Earned Leave to be earned / Eligible leave as contemplated above. After sanctioning leave as mentioned above, the Leave Sanctioning Authority should ensure that suitable entry is made in the Service Register of the employee indicating that absence during the strike period is regularized by sanctioning of Earned leave / Earned Leave to be earned / Eligible leave quoting these orders.

(c) The Leave sanctioning authority shall also indicate clearly in his proceedings while sanctioning the leave, the quantum of Earned Leave available at the time of sanctioning the leave, the period of leave and the period of absence on strike adjusted towards Earned Leave / E.L. to be earned / Eligible leave sanctioned.

(d) The Drawing Officer should enclose a certificate obtained from Leave sanctioning Authority to the leave salary bill to the effect that the necessary entries have been made in the Service Registers indicating the participation of the employee in the strike and regularization of the same by sanctioning Earned leave / E.L to be earned / Eligible leave. He should also enclose a certificate that no emoluments have previously been drawn for the strike period.

(e) The calculation of leave salary for the strike period on the basis of these orders shall be with reference to the rates of pay and allowances admissible to the employees just before the employee went on strike.

(f) The leave salary for the period of strike shall be calculated at the number of days/31 for the months of August and October and at the number of days / 30 for the month of September, 2013. For e.g. if leave salary is to be paid for 18 days of strike period in August, 2013 the leave salary shall be

calculated for this period at 18/31 of pay and allowances of the employee admissible on the date preceding the date from which he went on strike while for the period of 10 days in September, 2013 the leave salary shall be calculated at 10/30 of pay and allowances admissible on the date prior to proceeding on strike.

(g) In respect of purely temporary employee, payment of leave salary for E.L. to be earned shall be paid subject to their furnishing surety from two Government Servants who are approved probationers and who are equal or higher in rank to the employee in the same or in other office provided that in the latter case the Head of the Office certifies that the sureties are approved probationers. When the services of the temporary employees are dispensed with for any reason before the E.L to be earned is not fully wiped off, the excess leave salary resulting there from, shall be recovered from the employee or from sureties as the case may be.

(h) Based on the proceedings sanctioning E.L. / E.L. to be earned/ Eligible leave the Drawing and Disbursing Officer shall claim the leave salary.

(i) The normal recoveries such as HR/GPF/APGLI/ Group Insurance/PLI etc., pertaining to the respective periods shall be made from the payments to be made from the leave salary paid now if not recovered earlier.

13. Relevant Leave Rules governing the sanction of leave to employees shall be deemed to have been relaxed to the extent necessary for the purpose of giving effect to these orders.

14. The expenditure on the payment of leave salary as per these orders shall be debited to the detailed Head "010. salaries, 011 – Pay, 012 – Allowances, 013 - Dearness Allowances, 016 House Rent Allowance", under the respective major head, minor head and sub-head.

15. The drawing officer shall furnish the information in the proforma appended to this order to the PAO/DTO/PAO and APAO of Projects. These Audit Officers in turn shall furnish consolidated information in the proforma appended (Annexure-II) to the DTA/Dy,.FA/PAO who will in turn furnish the information to Government before 15th March, 2014. In regard to the employees working in the Panchayat Raj Institutions etc., the information shall be furnished by the concerned authorities to the Audit Officer of the Local Fund Authority who will in turn furnish consolidated information to Director of Local Fund Audit, A.P. Hyderabad. The Director of Local Fund Audit., A.P. Hyderabad shall furnish the information to the Government in Finance Department within the stipulated time.

16. All the Departments of Secretariat and the Heads of the Departments shall follow the above orders scrupulously.

17. The G.O. is available on Internet and can be accessed at the address <http://www.goir.ap.gov.in>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P. TUCKER
Special Chief Secretary to Govt. (I/c)

To

The Accountant General, A.P. Hyderabad

The Accountant General, A.P. Hyderabad (by name)

The Pay & Accounts Officer, A.P. Hyderabad

The Secretary to Governor, Rajbhavan, Hyderabad

All Spl. Chief Secretaries / Prl. Secretaries / Secretaries to Govt,

All the Departments of Secretariat,

All the Heads of Departments.

The Registrar, High Court of A.P. Hyderabad

The Secretary, APPSC, Hyderabad

All the Districts Collectors

All the District & Sessions Judges

All the District Treasury Offices

All the Directors of Accounts of Projects

Copy to Genl. Admn. (Spl.B) Department.

Copy to Genl. Admn (SW.I) Department.

// FORWARDED :: BY ORDER//

E Naga madhavi
SECTION OFFICER

ANNEXURE – I
GOVERNMENT OF ANDHRA PRADESH
..... Department

O.O.Rt.No. / Proceedings No.

Date:

Sub: Establishment Department treating the period of strike participated by the Seemaandhra Employees during August to October 2013 – Orders – Issued.

Ref: 1. G.O.Ms.No. Finance (FR-I) Department, Dated:
2. G.O.Ms.No.292, Finance (A&L) Department, Dated: 22-10-2013
and G.O.Ms.No.298, Finance (A&L) Department, Dated: 29-10-2013.

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In pursuance of the orders issued in the G.O. 1st cited, sanction is hereby accorded for treating the period of absence of the following Seemaandhra Employees, who have participated in the Strike during August to October 2013 as Earned Leave / Earned Leave to be earned / Eligible Leave as shown below:

SI. No	Name and Designation	Period of Par- ticipation in the Strike during	Total No. of days	Regularisation of period shown in col.(4)	Entry in S.R. at page No.& Volume No.
1.	2.	3	4	EL/ Balance Eligible	E.L. to be earned
1.					
2.					
3.					

Leave salary shall be adjusted against the advance already drawn as per orders 2nd cited.

Certified that necessary entries to the above effect have been duly recorded in their respective Service Registers with proper attestation.

Leave Sanctioning Authority

To

The Individuals concerned.
The P.A.O. Hyderabad / D.T.O. /S.T.O.
The A.G.A.P. Hyderabad
The SF / SCs

ANNEXURE-II

(Statement to be enclosed to the Bill)

Name of the Officer:-							Head of Account	
Name of the employee	Designation	Period of Participation in strike		Regularization of period	Leave Salary	Amount adjusted towards Advance drawn	Net Amount Paid	
		From (a)	To (b)	No.of Days (c)	Earned Leave/ Eligible Leave	E.L. to be earned	Rate of Pay & Allowances	Amount Drawn & Paid
1	2	3	4	5	6	7	8	9

ANNEXURE – III

To

(Competent Authority)

Sir / Madam,

I participated in the “Strike” organized by the Employees Associations of Seemaandhra Region during the period from ----- to----- (days). In pursuance of the orders issued in G.O.Ms.No. Finance (FR-I) Department, dt: -1-2014, I request you to regularize the period of Strike as mentioned below:-

Name & Designation	Period of Participation in the Strike		Total No. of Days	Regularization of the period		
	From	To		E.L./ Eligible	Balance Leave	E.L. to be earned

I have drawn an advance of Rs..... in terms of G.O.Ms.No.292, Finance (A&L) Department, dt: 22-10-2013 / G.O.Ms.No.298, Finance (A&L) Department, dt: 29-10-2013 which may be recovered from my salary to be drawn for the above period.

I request you to kindly regularize the period of strike as above and necessary orders may be issued.

Yours faithfully

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